

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK
 OCTOBER 2, 2005

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 * Docket No.: DCA 06 MM 001
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Interview of: RICHARD PARIS

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, DC 20594

Thursday,
 October 6, 2005

The above-captioned matter convened, pursuant to
 notice at 1:05 p.m.

BEFORE: BRIAN CURTIS

APPEARANCES:

BRIAN CURTIS

National Transportation Safety Board

ROBERT HENRY

National Transportation Safety Board

JAMES CASTILLO

U.S. Coast Guard

PETER GIONET

New York State Parks

MATT QUIRK

Shoreline Cruises

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P R O C E E D I N G S

(1:05 p.m.)

MR. CURTIS: Good afternoon, I'm Brian Curtis of the NTSB. It's October 6 at 1:05 p.m. We're here to interview Captain Richard Paris of the -- regarding the capsizing of the Ethan Allen on October 2nd. And just for a little bit of administrative bits first. If you don't mind, I'd like to record the interview if we could, Captain.

MR. PARIS: Sure.

MR. CURTIS: And you're entitled to representation and (indiscernible).

MR. PARIS: I'm assured.

MR. QUIRK: And Matt Quirk from Shoreline.

MR. CURTIS: Okay. We'll go around and identify ourselves as to who's in the room so it's easier later on when they transcribe the interview. And we're here to conduct the NTSB's safety investigation, and we believe you may have some input that would be a value to our investigation regarding this engineering group. So we'll go around the table, and myself, Brian Curtis, NTSB.

MR. HENRY: Rob Henry, NTSB.

MR. CASTILLO: Jim Castillo (ph.), the U.S. Coast Guard.

MR. GIONET: Peter Gionet, the New York State Parks.

1 MR. QUIRK: Matt Quirk, Shoreline.

2 MR. PARIS: Richard Paris, Captain, Shoreline
3 Cruises.

4 INTERVIEW OF RICHARD PARIS

5 BY MR. CURTIS:

6 Q. Okay, Captain, we'll start out -- we're going around
7 the table and as we do, if everybody would just identify
8 themselves, other than the captain, as they're speaking, for
9 transcription purposes. I guess that we're interested in the
10 engineering aspects, Captain. Any problems that day with your
11 engine operationally?

12 A. None whatsoever.

13 Q. None. Had you had any in the past with this
14 particular engine on the Ethan Allen?

15 A. Never.

16 Q. I understand that that was a relatively new engine,
17 or had been changed sometime in the past --

18 A. It wasn't the original engine, it was changed. It
19 had I don't know how many miles on it. It was bought used and
20 installed, but it I was told that it wasn't a brand new engine.

21 Q. Just so we can track it, do you know roughly how long
22 ago that was, any idea?

23 MR. QUIRK: I can get that information, but, roughly,
24 I'd say maybe seven years ago.

25 MR. PARIS: I was going to seven or eight, yeah.

1 MR. QUIRK: A rough number.

2 BY MR. CURTIS:

3 Q. Okay. Because we'll need the weights and specs of
4 the engine. And once again, forgive for me any redundancy in
5 questions from other interviews, but I just want to make sure
6 we cover everything. When you have passengers come on board,
7 do you count them and report that count to your office, or how
8 is the passenger load recorded?

9 A. All right, on just tickets sold off the street, not a
10 charter.

11 Q. Okay.

12 A. I count my tickets and then I go into the booth,
13 ticket booth and make sure I agree with what they sold. If
14 I -- if they sold maybe, say, three more than I have tickets
15 for, I need three more people there that bought tickets, and I
16 have to go look for them or I wait a reasonable time to see if
17 they show up.

18 Q. Do you know if they hold onto those records as far as
19 so we can look back at how many people per trip for the past X
20 number of months?

21 A. I believe that's on their computer, isn't it?

22 MR. QUIRK: Yeah, we have a new system --

23 MR. PARIS: Yeah.

24 MR. QUIRK: -- that was implemented as a computer
25 system that tracks the total number of ticket sales per tour,

1 which would be per time on the time stamp on the ticket. To
2 the best of my knowledge, we do have that information.

3 MR. CURTIS: We would be interested in getting that
4 document.

5 MR. PARIS: See, there is a computer in the ticket
6 booth and it's selling the tickets for different cruises. It's
7 all in the computer.

8 BY MR. CURTIS:

9 Q. Now, you differentiate between groups and individual
10 sales. What's the deal when you have a group of people?

11 A. On charter.

12 Q. A charter. Do you -- who counts the people --

13 A. Well, number one, we check with the office and how
14 many -- to get an idea how many are coming so we know what to
15 expect down on the boat on the water, and they'll give us a
16 figure. Sometimes it's about a certain amount of people, or
17 it's definitely how many are going. But some of them change
18 their minds when they get there. So we do count them and we
19 also check to make sure, do they owe us anything? No, they're
20 fine.

21 MR. QUIRK: It comes right up.

22 MR. PARIS: They've already paid. So I do count the
23 passengers, how many I have, because they want the figure in
24 the booth, which in turn goes up to the office. Say, they
25 expected 32 people, just for a figure --

1 MR. CURTIS: Okay.

2 MR. PARIS: -- and I only have 28 going, and maybe
3 the tour director said two changed their mind and they're just
4 going to walk around and do shopping or something for an hour
5 until we come back. But they do get the exact figure I have on
6 the boat.

7 BY MR. CURTIS:

8 Q. Okay. How frequently, to the best of your
9 recollection, do you have a full load of people?

10 A. That was probably -- I got a few buses before last
11 Sunday. It was never a full load. It was in the 30s. I can't
12 give you exact figures because I don't remember back that far,
13 but I know it wasn't anywhere near what I had --

14 Q. Was that the biggest load you've ever taken out?

15 A. It was capacity. There were no seats left. There
16 were two buses due that day, Sunday.

17 Q. Um-hum.

18 A. We were supposed to -- two boats were supposed to
19 take them out, that's 3:00 to 4:00. Well, my bus that was
20 going with me got there about 2:30 and they wanted to get
21 going, so there was no reason. I loaded them on and they
22 didn't care if we left right -- we were ready to go.

23 Q. So you took both buses with you?

24 A. No, I took the one bus and the other boat, the
25 De Champlain, took the other bus, and I have no idea how many

1 he had.

2 Q. Okay. Was that the biggest -- the highest passenger
3 count load you'd ever taken on the Ethan Allen?

4 A. Not ever, but it's -- I think it was probably -- I
5 hadn't had a full before this present season.

6 Q. Okay. In your transits, if you're overtaking a
7 vessel or a vessel's passing you, do you have communications
8 with the other vessels or is it just -- how's that handled?

9 A. Well, the private boats usually keep their radios on
10 channel 16, the emergency. That's the one that you can get the
11 sheriff's department or the Lake George Park Commission boat or
12 a state police boat. They all monitor that. But they also
13 monitor the radio that's set up. We use channel six, and
14 that's what a lot of the -- if you want to talk to another boat
15 or they want to talk to you, which is that private boat I'm
16 talking about.

17 Q. Right.

18 A. They know we're on six so they'll switch over to
19 channel six, but that very seldom happens. The steamboat
20 company, as far as I know, all three of their boats have
21 channel six, but they also have their own channel to their
22 company and they stay on that mostly. But if we should call
23 them, just to say hi or something, you know, or we haven't seen
24 you in a long time, captain, or whatever, they monitor that and
25 they can switch over to channel six to get back to us.

1 Q. Do you always leave your VHF on when you're --

2 A. Yes.

3 Q. -- doing your trips?

4 A. Yeah.

5 Q. And the radio had no -- that was operating fine?

6 A. Oh sure, yeah.

7 Q. I was just trying to recall the other equipment you
8 had on the vessel. There was no CB or anything, just the VHF.

9 A. No, just the --

10 Q. And --

11 A. Sometimes I will, in the off season, I carry my cell
12 phone, because the other side of that radio used to go to the
13 ticket booth, but in the off season there's nobody in the
14 ticket booth selling. Sometimes we have to sell, then close up
15 the booth, get the people on and take them out for the hour
16 cruise.

17 Q. Okay.

18 A. And -- but with a cell phone, I can call the office.
19 But what I mean, in the off season, early -- like, we open the
20 first weekend of May. There's no other boats out there, so
21 you're not going to get anybody on the radio. If I should have
22 a problem, a breakdown, overheat, whatever, so I'd call the
23 office. Here I am. He's overheating something. This is just
24 an example. I never had to do it yet. And they can get back
25 to me on my cell phone. If help is on the way or you know, an

1 EGA (ph.) would be -- but it's never happened yet. But I
2 just -- it's a thing, a safe thing to have with you in case you
3 should run into trouble out there, like a breakdown, a
4 mechanical problem or something. But I never had to do it, but
5 I still carry it in the off season.

6 Q. Okay.

7 A. There's no one to talk to on the radio or in the
8 booth.

9 Q. The morning of the accident, did you -- did you do
10 like a pre-check before you left the dock?

11 A. I did, but you -- I'm sure he told you he did it.
12 Well, he was there before me.

13 Q. Okay.

14 A. And at the time, I didn't know he did it, so I did
15 it.

16 Q. Okay.

17 A. So the two -- that boat was checked twice as far as
18 the coolant level, oil, transmission fluids, brining it up to
19 where it's supposed to be. It was done twice that day.

20 Q. Bilge levels?

21 A. Yeah.

22 Q. Nothing abnormal?

23 A. No. I think it was brought up by the other fellows
24 the other day, if we had a bilge pump on it. We do, but we
25 don't use it, because that pumps into the lake.

1 Q. Okay. We're down below --

2 A. Yeah.

3 Q. -- here looking at the vessel.

4 A. We don't use it. It's (indiscernible) goes into the
5 water and -- we don't use one of these usually, you know,
6 pumps, bilge pumps --

7 Q. Right.

8 A. -- that they have in small private boats. And we
9 pump that, or they pump it into a five-gallon pail, classic
10 pail, and take it and dump it properly up on the shore where
11 it's supposed to go. We don't --

12 Q. They have a facility you have to take it to, or
13 what's done with the bilge water?

14 A. We --

15 MR. QUIRK: A can, it goes into a can.

16 MR. PARIS: It goes into a can and it's picked up
17 by -- every once in a while, isn't it, by --

18 MR. QUIRK: Yeah.

19 MR. PARIS: -- a contractor or whatever you want to
20 call him. But we do not use a bilge pump. It's on the boat,
21 you know, just throw a switch it will come on, but you're
22 pumping into the lake.

23 BY MR. CURTIS:

24 Q. Is it tested periodically or --

25 A. Just for a second. It might be the state when they

1 inspect them every May, late May, is it, early May, whatever.

2 MR. QUIRK: In May.

3 MR. PARIS: Yeah, in May, anyway.

4 MR. CURTIS: Okay.

5 MR. PARIS: I'm sure, when they go down there --
6 because they go down in by the engines to check for anything,
7 oil leaks, gas leaks, manifold leaks, I suppose. And that
8 switch is right on the wall there. And they might just go
9 boom, hear it run, then shut it off.

10 MR. CURTIS: I was trying to follow the wiring along
11 there.

12 MR. PARIS: Yeah.

13 BY MR. CURTIS:

14 Q. How do you generally would start that pump?

15 A. You'd have to go down there to start it.

16 Q. Okay.

17 A. It's a small pump. If the boat's going down, I don't
18 see how --

19 Q. Right.

20 A. -- it could keep it up with it, really.

21 Q. Because I know --

22 A. I mean, of course --

23 Q. There was a push/pull at the pump.

24 A. Yeah.

25 Q. Then there was a --

1 A. Yeah.

2 Q. -- main switch up over that?

3 A. Yeah. Well, I think so. Yeah, yeah, there is.

4 Yeah. But again, we don't use that because that pumps right
5 outside the boat into the lake --

6 Q. Right.

7 A. -- and that's drinking water in that lake. Well,
8 even any lake I don't think we would do it. I don't care if
9 it's drinking water or not, I wouldn't pump it into the Hudson
10 River. It's not right, you know.

11 Q. The day -- did you notice any -- did you check both
12 the forward compartment and the engine room that day?

13 A. I believe Hugh did. Well, I did, anyway. I don't
14 know if he did, too, but they were dry.

15 Q. Okay.

16 A. Yeah.

17 MR. QUIRK: We get very little water.

18 MR. PARIS: The only water you get is in the
19 compartment where the engine is. Sometimes -- well, that
20 compartment's open to the shaft, propeller shaft, and sometimes
21 you get a little leak in the packing, the bushing packing. But
22 it's nothing -- they'll pump it out probably once a week if it
23 needs it. Sometimes it doesn't need it. But there can be oil
24 in it, not from the leak so much, but maybe some guy was, you
25 know, opening the bottom and sort of missed the filler cap on

1 the engine and maybe put a little -- a couple of tablespoons
2 over the side, but eventually that ends up down in the bilge.

3 MR. CURTIS: Okay.

4 MR. PARIS: And you could do the same thing with the
5 anti-freeze, the coolant. And that's another reason we
6 don't -- that's not -- we're not taking any chances that that's
7 pure clean water coming out off the --

8 MR. CURTIS: Right.

9 MR. PARIS: -- the side, you know. We pump into
10 these five-gallon buckets and that way you're covered.

11 BY MR. CURTIS:

12 Q. What would you -- say you had a mechanical breakdown,
13 say you're engine overheated and stopped, do you -- who do
14 you -- do you have a specific person you communicate that to
15 or --

16 A. We call the office and the in turn get a hold of --
17 if they feel a mechanic should go out there, or they'll send
18 another boat out and off-load onto the other boat and tow that
19 one back in, or maybe it's something he could -- the mechanic
20 could fix right there in the water, if it's nothing serious, if
21 they had a hose clamp or something, you know, that's leaking.

22 Q. Do you -- as far as that boat, that Cummins I --

23 A. Yeah.

24 Q. -- who does the maintenance on the engine, your own
25 person or --

1 A. We have a mechanic.

2 Q. Within the company?

3 A. Yeah.

4 Q. And what about major, major engine problems, do you
5 have a local representative of Cummins or --

6 A. I think our mechanic pretty much handles that.

7 MR. QUIRK: Yes.

8 MR. PARIS: Yeah.

9 MR. QUIRK: The newer motors on the larger boats,
10 they're brand new in warranty and they're also called to
11 service, but that is not the case with this vessel.

12 MR. PARIS: No, not this particular one.

13 BY MR. CURTIS:

14 Q. Do you know of any major work that's been done on
15 this engine lately, that you're aware of?

16 A. It seems to me they did something with the exhaust
17 pipe. It wasn't the engine itself. There was a leak in it or
18 something and they -- I don't know if they put a new part on it
19 or just spot welded, you know, right over the little tiny leak.
20 I'm not talking quarts and quarts of water, but you know,
21 they'll fix it.

22 Q. Okay.

23 A. Yeah. Or if we see it, we'll tell them and they'll
24 fix it.

25 MR. CURTIS: Okay. And I'll pass the questioning

1 along now, thanks.

2 MR. PARIS: All right.

3 BY MR. HENRY:

4 Q. Captain, the new engine of the Ethan Allen had -- was
5 a larger size engine?

6 MR. CURTIS: This is Rob Henry.

7 MR. HENRY: Oh, excuse me. Rob Henry, NTSB. Thank
8 you.

9 MR. PARIS: How long have you been working here?
10 Well, I'm sorry.

11 BY MR. HENRY:

12 Q. The new engine that was put into the Ethan Allen --

13 A. Um-hum.

14 Q. -- had greater horsepower?

15 A. I think they were roughly the same, aren't they?

16 MR. QUIRK: I don't know an answer to that question.
17 The (indiscernible) numbers, I believe, the original to be
18 about 160.

19 MR. PARIS: They were, yeah.

20 MR. QUIRK: And I'm not sure what the Cummins
21 replacement was, but if it was smaller, I don't think it would
22 be less than 140, but we can get those numbers.

23 BY MR. HENRY:

24 Q. Okay. But it wasn't overpowered in a sense of --

25 A. No. Well, to start it off with, we run them miles

1 per hour on our one-hour cruises, in accordance with all our
2 one-hour buses we get and everything. That's just a normal
3 one-hour cruise, if it's properly hired. Roughly eight, at
4 tops, nine miles per hour, because it is a sightseeing boat.
5 You don't want to zoom -- well, I don't believe that any of
6 those could zoom by a place. Anyway, that's -- while you're
7 out there sightseeing, the big mansion, one of the old mansions
8 built back in the late 1800s, they want to see it, they don't
9 want to, oh, there it goes, you know. So we don't run that --
10 and we have -- we all, all the captains that do the one hours,
11 we all have our -- or a specific route, in a way. There's
12 certain things we have to point, so you've got to go by those
13 things. But you can vary your route a little bit. Some guys
14 go -- I always go up the west shore first, cut across the lake
15 up north, and come down the east on the return trip. There's
16 mostly private residences on the east side. You've got a lot
17 of businesses, and the old mansions are all on the west shore.
18 But they'll go up the east side, some of them. I know a couple
19 of that do and cross over and come down the west side. So we
20 have the option to do that. But again, there are certain
21 things we must point out, and then we can add anything we want.
22 I know the lake very well. I was born and raised on it,
23 basically. And I'll tell some -- throw some things in. Or you
24 get questions, like, does the lake freeze over in the winter?
25 What kind of fish are in the lake? And then you get stupid

1 questions, too, like, are there any sharks in this water? No,
2 every spring we get them out there, and when you people leave,
3 we put them back in. Or what happens to the ice in the summer?
4 I mean, really intelligent questions.

5 Q. What does happen to the ice in the summer?

6 A. Well, I'll tell you what I told tourists. All the
7 landowners get their come-alongs out and let it drop down to
8 the bottom, and come spring, the come-alongs are hooked and
9 they just crank it, and come the winter, and crank it back up.
10 Don't start.

11 Q. All right. You had said earlier that -- that you
12 want to know how many people you're going to have on the boat.
13 What do you do different --

14 A. I just want an idea for myself how many are coming.

15 Q. Does the boat handle any differently with a full load
16 compared to, you know, a partial load?

17 A. Only maybe a little slower to respond, just minimal,
18 you know.

19 Q. How would you describe the maneuverability of the
20 vessel?

21 A. Very good on those tour boats. They respond to the
22 steering and everything, and of course your throttle and --
23 they respond good, like a boat that size would. I can't ever
24 find anything wrong with the maneuverability of it.

25 Q. Have you ever, have you ever, with a group or not,

1 going at seven, eight knots, you know, done a hard overturn?

2 A. No, I can't recall a hard overturn.

3 Q. A fast one?

4 A. Only when you're docking sometimes. It's the -- our
5 docks are set up so a north wind, a strong north wind or a
6 strong south wind, it's a little touchy sometimes getting into
7 that slip. And then sometimes, you know, you're coming in and
8 the wind would stop, or a big boat's along side of you cutting
9 off that wind. And all of sudden, you've lost your wind that
10 you were adjusting for and now it's gone. Well, yeah, you
11 know, get the wheel over because I'm not heading for that slip
12 anymore, and you it's get cut off. That's three, four miles an
13 hour.

14 Q. I'm a little concerned --

15 A. Out on the main --

16 Q. -- going at eight knots.

17 A. No, I've never had occasion to.

18 Q. So you would never feel for whether it heels inboard
19 or outboard (indiscernible)?

20 A. It wouldn't heel -- say I turned to the starboard
21 hard, it would lean over a little bit to the port, a little
22 bit.

23 Q. Okay.

24 A. It's not like these runabouts, that they'll heel over
25 right into their turn, you know.

1 Q. Right. What kind of a wake does your boat put up?

2 A. Very little. I'd say, at our speed, well, I'd say
3 maybe about that high in behind us.

4 Q. So if you were going at eight knots and did a hard
5 overturn and came around to your own wake --

6 A. You wouldn't even feel it.

7 Q. You wouldn't feel it.

8 A. I've gone over a lot of cruiser wakes, you know,
9 because sometimes in the summer there's so many boats out
10 there, they're coming at you from --

11 Q. Um-hum.

12 A. The lake is one big solid boat wakes, you know. And
13 most of them, it's just -- a big cruiser, you might feel a
14 little boom, boom when you go over the wave -- the wake, but
15 nothing that's going to disturb that boat. The Mohegan, if I
16 see him coming, I will always turn the bow into them because
17 they are so high, those waves.

18 Q. Now, with your route, you generally know when the
19 Mohegan is going to pass?

20 A. He left later than I did -- no, earlier than I did.
21 See, I didn't get out of there until about 2:20, I think, about
22 I left. Well, they leave -- the Mohegan leaves at 2:30 for his
23 Paradise Bay cruise, and usually he's out up the lake before I
24 am.

25 Q. All right. I have somebody's graphic of the lake.

1 Show me where the Mohegan runs, and then, for the tape, just
2 describe it as you're point it.

3 A. All right. Now, the steamboat docks right here,
4 right off the beach a little bit, the road that goes over the
5 beach. This is where we are right now, about up here. And
6 he -- when he takes off, he's out of the five-mile-an-hour
7 speed zone, which starts about at their docks, but he cuts
8 right over and gets out, and the buoys, five-mile-an-hour
9 buoys, go all the way up to Green Harbor.

10 Q. Tea Island.

11 A. Tea Island, I mean. Excuse me -- and stop. Where it
12 takes us -- we're over here on the -- well, it would be the
13 west -- on the corner of Beach Road, basically. We're down
14 here. And we go out generally -- out at five miles an hour to
15 get out of the five-mile-an-hour zone, and then we take it up
16 to our previous speed. Now usually, as I said last Sunday, he
17 left -- or I left about 20 minutes to 2:00 and he left on time.
18 So he was up in here before I even got out of there. But he
19 goes out in the middle of the lake, and I'm going up the west
20 shore, and I went into -- just before (indiscernible) Cramer
21 Point, right up here. This is hard to record. It's not
22 looking at the --

23 Q. Right.

24 A. Now, I go -- I go. I can't vouch for every captain,
25 but there's some beautiful camps in there, not mansions, but

1 they're awful nice, all year-round homes. So I went in a
2 little closer in there behind -- well, in from Cramer Point,
3 before Cramer Point, to show the people the nice -- some of
4 them say, can we get a little closer, they want to get a little
5 better look. Now, it's my estimation that when I went in
6 there, in Cramer Point, on the south side of Cramer Point, the
7 Mohegan was up right in here somewhere. I couldn't see him
8 because the point was between the two of us. And when I
9 started to make my turn to come around Cramer Point, because I
10 go into the next bay there, Green Harbor it's called --

11 Q. Right.

12 A. -- that's when that wave slammed us, it was right
13 there. I thought he would've been way up the lake, but he
14 wasn't because he steps out with that thing. But evidently,
15 for some reason today, I can't say why. But he was up in here.
16 Of course, I never got out far enough to see him. That's where
17 I lost it, right there, and that's when I got slammed with that
18 wave.

19 Q. Okay. Now, if he's way up there, why is --

20 A. Well --

21 Q. -- why is the wave --

22 A. -- the wave could just -- you know, the wave could
23 just come -- they're rollers, really. They're not like --
24 called a choppy wave, which --

25 Q. No, I've seen the rollers coming in.

1 A. Yeah.

2 Q. And I've never seen a vessel associated with them.
3 It's just sort of unusual.

4 A. Yeah. Well, if they were big rollers, it was enough.

5 Q. Were the others other larger vessels -- the other
6 large vessels --

7 A. Our boats don't -- we don't go that fast with them.

8 Q. How fast was he going?

9 A. Oh, him, the Mohegan? Oh gosh, I don't know. Going
10 along fairly well. I mean, faster than I was going. I'd say
11 they might be doing -- this is a guess -- maybe 12. Because
12 he's on a schedule. He has to go way up through the narrows
13 into Paradise Bay.

14 MR. QUIRK: May I just interject?

15 MR. HENRY: Sure.

16 MR. QUIRK: Yeah. In order for them to make their
17 destination tour in the Mohegan and get back according to the
18 schedule on their boat, they have to be doing 20 knots. And at
19 that rate of speed, the deflection angle of that wake is going
20 to be nowhere close to the stern of that boat. The wake is not
21 coming off --

22 MR. PARIS: Exactly.

23 MR. QUIRK: -- that broad angle like this, it's
24 falling back. And if the Mohegan is anywhere near the west
25 side and not the middle of the lake, like Dick said, he's not

1 going to really know exactly that Mohegan is beyond Cramer
2 Point. He can't see it.

3 MR. PARIS: I didn't see it.

4 MR. QUIRK: He knows it's beyond it. And you'll
5 be -- I think you will be able to see that when you ride the
6 Mohegan. If you have him at the full range of RPMs on his
7 power plant, you will also have, at a given, the physics
8 equation to calculate the change in load, if it's just your
9 (indiscernible) of 10 people on an empty boat at that speed,
10 you'll be able to calculate (indiscernible) a hundred and
11 eighty people on that vessel to what kind of wake you'd be
12 experiencing. That's -- and also, you can also do all the math
13 yourself, obviously, with time distances that you're going to
14 get on your ride on the Mohegan.

15 BY MR. HENRY:

16 Q. Okay. So you have had a lot of experience in the
17 lake?

18 A. Yeah.

19 Q. Tell us about the typical weather and --

20 A. Well, that particular --

21 Q. -- wind and wind-driven waves and vessel-driven waves
22 and --

23 A. Yeah. Well, just wind-driven, not Sunday. Sunday
24 was --

25 Q. Right.

1 A. -- perfect. It was almost like the top of this
2 table. It was a beautiful day, warm like today. Maybe not
3 quite as warm, but a beautiful day. But I had seen -- it's not
4 uncommon, if the wind is especially coming out of the north.
5 Down here, we get a lot of good south winds, but the waves
6 don't have time. Up here is where they get built up. It takes
7 a while for the waves to get -- but if we get a north wind, and
8 a good one, say it had been blowing all night and the night
9 before, I've seen -- it's somewhat common, because we get -- it
10 can get very windy at times -- three-foot rollers. And on
11 occasion, it was my guess and it's very rare occasion, I
12 haven't seen -- I've seen four-footers out there, which is big
13 for this lake.

14 Q. Um-hum.

15 A. Huge. Now, what I do on my normal cruise, when I
16 come out of Green Harbor. That's about -- I cut over towards
17 Diamond Island and then come down -- not at that part. Come
18 down here. I'm coming back on my return trip, and I usually
19 cut straight across, but if I've got three-foot rollers out
20 there, I don't, because you're catching them on your -- at the
21 top, at the north, they're catching on your port side and the
22 boat will roll. And the -- it normally wouldn't go over. The
23 people -- I don't -- we're not there to schedule the people,
24 you know, but what I'll do for their comfort, I'll do an upside
25 down V, I'll put the bow into those waves until I'm out in the

1 middle of the lake about -- and then quick whip it around and
2 then let the stern take them. You're not getting this action,
3 you're getting this with the bow and on the stern you're
4 getting this a little bit. And that's just for the comfort of
5 the people.

6 Q. Well, tell me about -- let's say, with a full load
7 and big waves, what kind of rolling would you get? If you
8 don't change course.

9 A. Just if it's -- well, it depends on which way they're
10 coming from, number one. But normally, if the lake is even two
11 and a half foot waves, I'll take them either head-on or around
12 the stern rather than take them broadside, because the boats
13 will roll. And there was never any danger of them, like what
14 happened last Sunday. I'm talking waves from the winds, not
15 the Mohegan. I know, through the years, even my own boat, cut
16 and put that bow right into them. You're going to get a pretty
17 good bounce, which I tell the people they're going to get a
18 bounce.

19 Q. What's different about the waves, a good wind-driven
20 wave?

21 A. Well, it can be a choppy wave, and the Mohegan --
22 with the Mohegan we get a swell, you know, nice, lazy rollers.
23 But the wind can be a short chop but good sized.

24 Q. Um-hum.

25 A. And then white caps, of course. And it's

1 something -- it's my decision to make crossing the lake to take
2 them broadside. If they're only this high, that's not a
3 problem for that boat. You might get just a little better.
4 You might catch, every once in a while, little larger ones.
5 You roll and -- but up to around three feet, now we're talking
6 this time to put the bow into them a little bit, not catch them
7 broadside. And as I said, it's an upside down V I do and whip
8 it around and catch them on the stern. That's okay.

9 Q. Okay. How responsive is the, is the engine?

10 A. To adjust speed?

11 Q. Reversing, reversing.

12 A. It's good. The throttle --

13 Q. Accelerating?

14 A. -- is a little tighter than the one on the De
15 Champlain. It's not quite as smooth, but it works with one
16 hand. I mean, it's not something you got to go like that with.
17 You can, with your fingers, bring it back, but it just works a
18 little bit harder. But it's responsive as far as the shifting
19 and going into neutral from forward and going into reverse.
20 It's very responsive.

21 Q. Okay. In -- at the period -- the point of time that
22 you had the accident, describe to us what you were doing, what
23 you saw, and what happened to the vessel and what you tried to
24 do to respond to that.

25 A. I wish had something here I could make for a boat.

1 MR. CURTIS: We've actually got a pad here I'm going
2 to give you.

3 MR. PARIS: Yeah, just a piece of paper that I can --
4 yeah. Something that you don't need.

5 MR. CURTIS: Just for the record, this will be
6 drawing number one of the captain's interview.

7 MR. PARIS: Oh, all right, we'll do it that way. I
8 can draw it up. All right, I'm not an artist, so bear with me.
9 Let's see, let me make sure I got enough room. All right. All
10 right, this is the Ethan Allen, okay. Now this is the west
11 shore. And here is -- this little indentation here and here's
12 Cramer Point coming out and then it goes in. And there's
13 another bay, Cooper Point, out here, and that's Green Harbor,
14 on to Green Harbor. Now right about where this drawing is, I
15 just was starting to swing to around the point and these waves
16 were coming in, I'd say, about that direction; again, rollers,
17 not a sharp wave. And I looked over to the right because I
18 always want to make sure there's not a boat right along side of
19 me before I turn, and just as I did, this wave hit me right
20 there on the stern, the starboard quarter, right back there.
21 That's a little bit too much of an angle. And by -- that's
22 when it lifted the stern up and leaned the boat over a little
23 bit, because it was just hitting that part of the boat. But
24 this -- keep in mind, up here, this wave is still coming at me,
25 okay. And by the time -- in seconds, the whole wave was

1 catching this whole boat and that's when she went over and kept
2 going, and that's when the people sitting on the starboard side
3 seats all flew up over into the port side, and this was the
4 side she -- the boat was leaning. And I could see I got a
5 problem.

6 Q. Now, how large were these waves?

7 A. These were normal waves. I'd say two and a half
8 feet, anyway, maybe close to three. He puts out a big wave.

9 Q. How much free board did you have?

10 A. Well, I'd say normal until, of course, she started
11 going over.

12 Q. Normal?

13 A. Yeah.

14 Q. Just running three?

15 A. I'd say what, not four feet, maybe three feet above
16 the waterline up to the gunnel, the rub rail, four feet playing
17 room up there.

18 Q. And so you're talking -- are you talking about the
19 Mohegan's waves --

20 A. Wake.

21 Q. -- being about two and a half?

22 A. Well, actually, that's being very good to them.

23 Q. Is that being conservative?

24 A. Conservative, yeah. Of course, you know, he goes
25 right up here, all right.

1 Q. Um-hum.

2 A. And they do die down a little the closer they get to
3 shore, but not enough, because people on both sides of the lake
4 complain about his wake, with their boats tied up in their
5 docks. A quite a few of them had put in these electric hoists.

6 MR. QUIRK: Could I mention something?

7 MR. PARIS: Yeah.

8 MR. QUIRK: This is Matt Quirk.

9 MR. CURTIS: Matt Quirk from Shoreline.

10 MR. QUIRK: In essence, depending on where you are,
11 where you are exactly when that boat sank to the bottom, those
12 waves will not die down. They'll be amplified by the
13 restriction of this cove. Also, that lake is very deep at that
14 point and there's a drastic change in floor depth of that lake,
15 which is a vertical width on that bottom of the floor, it would
16 amplify it more. And the third point is, this calm lake will
17 have no current action. Those waves will have no canceling
18 effect with zero wind on the lake, were the three conditions
19 that existed at that point in time.

20 BY MR. HENRY:

21 Q. You're in about 70 feet of water where you went over?

22 A. Yeah, that's what I heard, right.

23 Q. Okay. So --

24 A. I didn't know exactly.

25 Q. So that first wave hit your stern quarter --

1 A. Right.

2 Q. -- and then proceeds to lift --

3 A. And of course, the rest of it went right up the side
4 of the boat at the angle.

5 Q. Now, you lifted the stern and put the bow down first?

6 A. No, I think -- well, let's see again. Let me think
7 now. This happened so fast. The stern went up a little bit,
8 but then bingo, the wave was catching the whole starboard side.
9 And then the front -- the bow went up to ride over that wave
10 and that's when she leaned over and that's when the people slid
11 off their seats.

12 Q. Before the people started --

13 A. Sliding right --

14 Q. -- sliding, did you try and do any maneuvering?

15 A. I tried to cut in, but it was too late.

16 Q. Cut --

17 A. I was already in that wave.

18 Q. What do you mean cut in?

19 A. Cut into it. It was a normal reaction without even
20 thinking to put the bow into it. And it was just too late, and
21 I don't think that it would've been too late if I tried to
22 swing the stern over and you know, put the bow to the port
23 side.

24 Q. So you turned the rudder over to starboard?

25 A. Yeah, to starboard.

1 Q. Did you do anything with the engine?

2 A. No. I wasn't going that fast. And everything
3 just -- you have to imagine this -- what I'm talking about
4 happened in seconds.

5 Q. But normally your run up, you said, is about eight
6 knots. How fast were you going at that point?

7 A. Probably eight knots.

8 Q. Okay.

9 A. My normal speed (indiscernible).

10 Q. Did you feel that the vessel started to respond to
11 the helm?

12 A. I could see the bow come over, but then that roll hit
13 it and it sort of pushed the bow back, so I was completely
14 broadside to these waves.

15 Q. Okay.

16 A. And that's when she started and it was just seconds.

17 Q. Okay. So the starboard started rolling up.

18 A. Yeah.

19 Q. And then --

20 A. That's when the people slid off the --

21 Q. At what point -- at how many degrees was it when they
22 started slipping off?

23 A. Well --

24 Q. Just approximately.

25 A. -- I could show you with my hands. Maybe about like

1 that.

2 Q. Thirty --

3 A. Yeah, not 45 degrees, at that time, when it first
4 started. And I think that's when the people started sliding
5 off. And of course, when all of that weight was on that side,
6 that's the side she was going, anyway, that didn't help the
7 boat any with all that extra weight on the port side.

8 Q. Did everybody end up over on that the port side?

9 A. On the -- yeah.

10 Q. Everybody?

11 A. Everybody. And that's when she just kept going right
12 on. There was no hesitation with the boat. As soon as those
13 people got over there -- I think if they stayed in their seats,
14 the boat would've come back. It was just that extra weight
15 that didn't allow -- let the boat come back and right itself.

16 Q. Okay. So everybody ended up on the port side.

17 A. The port side.

18 Q. And --

19 A. And --

20 Q. -- then you were going 45 -- did it go over to a
21 certain point and then hold?

22 A. No, it went completely over.

23 Q. 180?

24 A. Yeah, completely capsized.

25 Q. Right away --

1 A. Yeah.

2 Q. -- or did it hesitate --

3 A. Right.

4 Q. -- on its side for a while?

5 A. No. As I say, this happened all in less than five
6 seconds, it was so quick.

7 Q. Five seconds to go 180?

8 A. Yeah. Once those people slid over, she went right
9 over like that.

10 Q. Okay. Bow down in the water or the stern?

11 A. No, she was floating pretty level upside down. And
12 people, some of them -- the windows -- well, you've seen the
13 Ethan Allen. The windows swing up. That's what we call open.

14 Q. Right.

15 A. Yeah.

16 Q. Now --

17 A. And a lot -- I think it's a good thing. I had them
18 all open on both sides except the two up in front of the bow.

19 Q. They were fixed, anyway.

20 A. Yeah. And I think there would've been more
21 fatalities if those windows were shut. There was no reason to
22 shut them because it was a beautiful day.

23 Q. Okay. Now, what happened to yourself at that point?

24 A. I came out this side, you know, where the captain is
25 located.

1 Q. Right.

2 A. All right. I came out that entry or exit door that
3 way. You know, it's a normal reaction. The boat starts going,
4 you start -- there's nothing I can do with the controls, it's
5 too late, you know. So I wanted to get up and I sort of
6 crawled as it went over, crawled and crawled until -- I didn't
7 end up on top of the bottom the hull, but I ended up in the
8 water, too. And that's -- a couple of boats came over right
9 away, civilian boats. God bless them. And of course, in
10 another minute, in less than a minute, they were a lot of a
11 civilian boats there. And the people started finding their way
12 out through the open windows, but a lot of them -- the reason
13 it didn't go down, it was trapped air --

14 Q. Right.

15 A. -- in the hull. And as we were doing the hull, I
16 could see it starting to drop, so it was losing that air in
17 there, but I was still hanging onto the stern and I was trying
18 to help people and I had to hang onto the boat myself, but I
19 don't know what I grabbed. I grabbed something and it didn't
20 work, and I grabbed something else underwater, actually, to
21 hold me so I can grab these people and get them out. And
22 there'd be a next one there, I'd pull them out, and the people
23 on these private boats were throwing them life preservers. And
24 finally, the timing -- I hate to say the timing was good. When
25 no more came out, it's a good thing because there was only

1 about this much of that stern above water, so it was my time to
2 leave, too. If I hung on, I was going to go down with it.

3 Q. So from the time it rolled over until it sank was
4 about how long?

5 A. My guess is between five and ten minutes. I'd say
6 closer to five minutes before she went down entirely.

7 Q. And you see it right itself?

8 A. No, but it had to. You mean underwater? Because I
9 saw the pictures of it when we took it out -- or when it was on
10 the bottom. Somebody had photos, but I don't know where I saw
11 them, the paper or something. The flag mast, the stern flag
12 mast, was still up. It would've been broken if it came down on
13 the roof.

14 Q. Um-hum.

15 A. I think that it righted itself because you've got
16 that weight in the keel, and once there was no -- well, there
17 were some people in there. You know, the buoyancy of the
18 water, anyway, and the keel (indiscernible). But I'm just
19 saying this is what I think.

20 Q. Right.

21 A. Once it got in the water and completely -- somewhat
22 buoyant from the water, that weight in the keel probably made
23 her again bottom heavy and she went back up right side up. I
24 don't know. I didn't see it. I haven't seen the boat since.
25 Was there any damage to the prop or anything, bend it or

1 anything?

2 MR. QUIRK: The strut.

3 MR. HENRY: It didn't look like it.

4 MR. PARIS: So it must've been a soft bottom, huh.
5 It seems to me, if it came down on rocks, you would've seen
6 some on the prop.

7 MR. HENRY: Yeah, the diver said it was in silt.

8 MR. PARIS: Okay.

9 MR. HENRY: Yeah.

10 MR. PARIS: So it was like the top in the butter and
11 stuff, going into a sponge, really.

12 BY MR. HENRY:

13 Q. Had you ever encountered a similar problem with wakes
14 from vessels?

15 A. I can't say they were a problem because, usually, if
16 I'm out on the lake and the Mo -- say I'm going out or crossing
17 over and I see the Mo coming down the south, which I usually do
18 with the way my schedule works, he was coming back from
19 something. Either he does a nine o'clock to 2:30 -- end of the
20 full length of the lake, they call it the discovery cruise.
21 That's the only boat that does the whole length of the lake.
22 And he comes back and I pass him around two o'clock and I'm
23 just cutting across, according to my schedule. And I'm not
24 going to argue with him. I know I had the right-of-way. I'm
25 coming in from this right side, but discretion is the better

1 part of valor. He's bigger than I am, you know. So if I look
2 like there's no way I can come ahead of him and get over to the
3 east side, I'll swing up a little and go across his stern out,
4 I don't mean right across it, but -- and that's a pretty good
5 wake. That's the one you want to have your bow into. But
6 then, when I get over here, I'm going faster than his wake is
7 coming over to the east side. But I keep a watch because you
8 can see it coming and coming. And they say, oh, it's going to
9 take a while. That wake is still out. You can see the wake,
10 unless it's a very rough day. You can't pick out from any
11 other wave.

12 Q. Okay. Any observations on what could've been done
13 differently to have avoided the accident?

14 A. No, I can't think of anything, because it happened
15 just like that.

16 MR. HENRY: I'll pass, pass the hat.

17 BY MR. CASTILLO:

18 Q. Okay. Jim Castillo with the Coast Guard. You said
19 seven years ago they changed the main engine?

20 A. It was about -- they changed the --

21 Q. What was the original engine that was on there?

22 A. A Hercules?

23 MR. QUIRK: Hercules.

24 MR. PARIS: A Hercules diesel.

25 MR. QUIRK: It was likely heavier --

1 MR. CASTILLO: Heavier?

2 MR. QUIRK: -- in mass.

3 MR. PARIS: I believe that was the original engine
4 that were put in when the boat was built.

5 MR. CASTILLO: Okay. Is that when they put those
6 lead ballasts also in the forward compartment?

7 MR. QUIRK: No, no. We never -- when we purchase
8 boats and own the boats, we have never changed the ballasts in
9 the boats. We did change the motor. They're both six-cylinder
10 diesels. I believe the Cummins is six-cylinder as well, right?

11 MR. PARIS: The replacement was, yeah.

12 MR. QUIRK: Yes, yes.

13 MR. CASTILLO: So you bought the boats back in '79?

14 MR. QUIRK: '76, I believe.

15 MR. PARIS: Was it? I don't know. That was before I
16 worked there, so I'm not sure.

17 MR. CASTILLO: When you brought them into the lake,
18 those ballasts, lead ballasts, were already in that
19 compartment?

20 MR. QUIRK: Yes.

21 BY MR. CASTILLO:

22 Q. Okay. Do you maintain radio counsel with --

23 A. Pardon?

24 Q. -- with your office or --

25 A. Only if we need something.

1 Q. Okay. Well, you don't -- you don't maintain that
2 communication?

3 A. No.

4 Q. You said that, that day, you had the tour guide as
5 your designated (indiscernible)?

6 A. That's what I found out.

7 Q. But you didn't know that?

8 A. Well, the way I understand it (indiscernible) Hugh,
9 right. You were talking to him this morning. I thought he was
10 going with me.

11 Q. Um-hum.

12 A. And he's an employee. He's Jim Quirk's brother. And
13 he says, no. He says he talked to the tour guide and she would
14 watch over the people. So I went with -- I understand -- I
15 didn't know this until this morning, that she didn't make it.

16 Q. Okay. Does the company have a policy on something
17 like that, if you're using a tour guide as a helper, do you
18 have any, like, introduction or familiarization on the boat?

19 A. We do. The captain does. You mean before we leave?

20 Q. Yeah.

21 A. I show them -- I point out where the life preservers
22 are and whatnot.

23 Q. Yeah, but --

24 A. (indiscernible).

25 Q. Right. What I'm saying is, would you expect that

1 person to help you out in handing out life jackets and stuff?

2 A. Yes, if we had time to do it. This Sunday there was
3 no time. He or she would have been no help.

4 Q. Okay.

5 A. They would've ended up in the water, too, just like
6 that, the way I did and the way the rest of the people did.

7 Q. But if there was opportunity, would you expect the
8 captain to have that person help?

9 A. Absolutely.

10 Q. Okay. Now, that's -- the second crew member is only
11 required when you have 48 persons on the boat, is that correct?

12 MR. QUIRK: A crew person is required all the time.

13 BY MR. CASTILLO:

14 Q. All the time, okay. When you said you use -- when
15 you pump out the bilge, you use -- you don't usually use the
16 installed pump.

17 A. Never use it, because that pumps over out on the side
18 of the boat.

19 Q. And you use either electric pumps or hand pumps
20 and --

21 A. Yeah.

22 Q. -- and buckets?

23 A. We used to have a bucket. They had an electric pump
24 on top of it. It was on the -- fastened to -- I don't know.
25 Do we still have them?

1 MR. QUIRK: We still do have them.

2 MR. PARIS: But I know there's very little water.

3 You can get it with one or both pumps, if there's a small --

4 BY MR. CASTILLO:

5 Q. When you do pump out, though, do you --

6 A. That goes into a five-gallon pail.

7 Q. Do you keep records of that?

8 A. I don't because -- they just -- when they feel -- if
9 I see it when I'm checking the engines, I'll get a hold of one
10 of the boys and say hey, go get the pump and pump this out a
11 little bit.

12 Q. What would be the reason?

13 A. A little bit of water on the bottom. A little more
14 like -- but again, as I told you before, why we use the can,
15 the bucket, the five-gallon bucket, because sometimes there's
16 spilled oil in it, or coolant, anti-freeze, and we don't
17 want -- I wouldn't do it, anyway, even if the water looked
18 fine. I wouldn't pump it into the lake because people drink
19 that water.

20 Q. Um-hum.

21 A. But guess what?

22 Q. Yeah.

23 A. Unless it's bottled water.

24 Q. Well, you also said that your bilge pump, if you had
25 any water intrusion into the vessel, those pumps won't be

1 capable to (indiscernible) with --

2 A. I don't believe they would if it's coming in fast
3 enough.

4 Q. Okay. With that in mind, what are your options as
5 the operator?

6 A. Beach it.

7 Q. Beach it? And then is that company policy, also?

8 A. Well, it's my policy. I mean, if we were really
9 taking on a lot of water, not like what happened Sunday, but if
10 I happened to notice that somewhere --

11 MR. QUIRK: Based on our education of our licensing
12 with New York State, it would be -- that would be extended as
13 company policy.

14 MR. CASTILLO: Okay.

15 MR. PARIS: Yeah.

16 MR. QUIRK: It's not what you do, answering that
17 question on a test.

18 MR. PARIS: Yeah. And I would definitely beach it,
19 if it's going to go down, but as soon as -- you know, the beach
20 is solid, or shallow water. I'd bring it in to the beach as
21 far as I could before the prop -- of course, once the prop hits
22 the bottom, you're not going any further, anyway, but at least
23 you're in shallow water --

24 MR. CASTILLO: Right.

25 MR. PARIS: -- for that prop to hit the bottom. And

1 if you have to, you can get the people off. They're going to
2 have to go in the water maybe up to their knees or something.
3 Hey, it's better than out in the middle of the lake.

4 MR. CASTILLO: I don't have anymore.

5 BY MR. GIONET:

6 Q. Peter Gionet, New York State Parks. There are three
7 boats of similar size (indiscernible) De Champlain and the
8 Algonquin. Have you operated all three of those?

9 A. Oh, yes.

10 Q. Any operating differences between -- any faster?
11 Does any turn better?

12 A. No. The only time we would go faster, and I've done
13 it on occasion, like when we get a charter from Sagamore.

14 Q. Oh, excuse me. I don't mean you going faster, but
15 just the natural boat. If you'd say put it up to 1800, does
16 one go faster than the other?

17 A. Oh, I think the Ethan Allen, at the same RPMs, was a
18 little bit faster.

19 Q. Okay, fine.

20 A. One reason I think it might be -- see, that engine
21 had reverse rotation.

22 Q. Okay.

23 A. And they found out the hard way. They put the
24 original prop back on it, and when they installed the engine
25 and got in the water, I put it in reverse to back out and it

1 went forward.

2 Q. Okay.

3 A. You know, I said something's wrong. You know, they
4 got this cable all mixed up, you know, on the shift.

5 Q. Um-hum.

6 A. And we determined that it was the opposite. It was
7 the wrong prop.

8 Q. Okay.

9 A. They had to get another prop for the right pitch
10 angle.

11 Q. Right.

12 A. Because that engine went the opposite way from the
13 other ones.

14 Q. Okay.

15 A. And I believe that pitch might be a little different
16 than the ones that are on the other two boats.

17 Q. Okay.

18 A. It's not that much faster, but put them side by
19 side --

20 Q. Um-hum.

21 A. -- say, for two miles, the Ethan Allen would take the
22 race.

23 Q. Sure.

24 A. But not a runaway, but just inch by. That's the only
25 difference.

1 Q. Right. Which boat did you work on the most, is it
2 the Ethan Allen, did you say (indiscernible) or did you say --

3 A. No, I'd say the De Champlain.

4 Q. The De Champlain?

5 A. Because we get a lot of LGA touring classrooms --

6 Q. Right.

7 A. -- up to Bolton, and they take the boat with the
8 older engine in it up to do that, because once he picks up the
9 class and the instructor up there, they go out and they just
10 sit there for an hour and a half.

11 Q. Okay.

12 A. So I take the better boat --

13 Q. Okay.

14 A. -- and we'll leave that down here for the guys that
15 have to do the hour cruises with people off the street.

16 Q. Um-hum.

17 A. It's a quieter boat.

18 Q. Okay.

19 A. And a newer engine, again.

20 Q. Sure.

21 A. I think that engine is about three years old.

22 MR. QUIRK: Yeah, it's practically new.

23 MR. PARIS: Yeah. And in fact, not to change -- but
24 the Algonquin, or the Ethan Allen was due to get a new engine
25 this.

1 BY MR. GIONET:

2 Q. Um-hum.

3 A. But I think now it's definitely -- because there's
4 something -- and they had this -- when it was upside down, the
5 engine was still running.

6 Q. Okay.

7 A. I couldn't see if the prop was -- I don't know if I
8 had put it in neutral or not, but I could hear her. And then
9 somebody in the paper, along the shore, said it burst into
10 flame. No, it didn't. I think all of the coolants ran out of
11 it because it's upside down. And then I could hear it. I saw
12 the -- this was real black smoke. And all of a sudden, the
13 engine just stopped like that. Now that's a sign that it froze
14 up. Because you know how -- with diesels what you do is you
15 shut the ignition off, they'll just get that little extra
16 vroom, vroom, you know.

17 Q. Right.

18 A. Well, this was just (indiscernible) seized up in the
19 thing.

20 Q. Sure.

21 A. But that has nothing to do with it, but that explains
22 why somebody on the shore said it looked like it caught fire.

23 Q. All right. Reports in the newspaper said that there
24 was people in walkers and wheelchairs. Were there --

25 A. I had one with a wheelchair, but we took her off, as

1 she was to get around --

2 Q. Okay.

3 A. -- and she wanted to take her wheelchair with her.

4 Q. Okay.

5 A. But now, the only place you could put that wheelchair
6 and sit in it is the aisle between the two rows of seats --

7 Q. Um-hum.

8 A. -- because it wouldn't fit in between the seats. And
9 I don't remember seeing that wheelchair -- her sitting in the
10 wheelchair.

11 Q. Okay, that's fine.

12 A. I think they helped her get over onto a bench seat.

13 Q. Sure.

14 A. But she wanted to take the wheelchair. And I think I
15 had one or two people with -- they weren't these double
16 walkers, you know, the two-handed --

17 Q. Um-hum.

18 A. It was just a single, like a cane.

19 Q. Right.

20 A. An aluminum one.

21 Q. Have you ever had wheelchairs onboard?

22 A. Oh, yes, we can get wheelchairs on there.

23 Q. Okay.

24 A. But I have to get help, get a couple of guys a little
25 younger than me. Well, one of us has to hold the boat over in

1 the dock, you know, and that's usually my job.

2 Q. And you would place them in the aisle?

3 A. If they can't get out of the chair, I'll place them
4 in the aisle.

5 Q. Okay.

6 A. Right in the center, yeah.

7 Q. Okay.

8 A. And make sure they lock the wheels and --

9 Q. Okay.

10 A. And we do the same thing with strollers.

11 Q. Sure.

12 A. We don't have a problem with that.

13 Q. Okay, good. Okay. Getting back to the lake, is
14 there a difficult spot on the lake for the boats? And what I
15 mean by difficult is, there's an unusual wind pattern or
16 confused water, where you may have -- you know, depending upon
17 the --

18 A. Yeah.

19 Q. -- time of the day, that you may try and skirt
20 around?

21 A. No.

22 Q. Nothing like that?

23 A. The only thing that I do see in any lake, and the
24 sailboat boaters love, you've got calm water and you can see a
25 breeze on the water rippling ahead of you, they'll aim for

1 that.

2 Q. Okay.

3 A. I'm not going to go around that. You're talking --

4 Q. Sure.

5 A. -- that high, you know.

6 Q. Right.

7 A. I've never really seen one spot, and a good wind, any

8 rougher (indiscernible) rougher --

9 Q. Right.

10 A. -- than any other area on the lake.

11 Q. Okay.

12 A. It's usually pretty equal, except in the bays, of

13 course.

14 Q. There's no spot that you would try to avoid, really?

15 A. I've never seen it yet in all my years on that lake.

16 Q. Okay. Now, you said that you crossed the lake

17 routinely --

18 A. Yeah.

19 Q. -- from the west side to the east side.

20 A. Well, actually twice on a cruise.

21 Q. Right.

22 A. (indiscernible) and at the end of your trip, running

23 back across.

24 Q. Now, when your (indiscernible) and you cross the

25 lake, are you required to cross it by the company, or do you

1 have the choice, if you think it's too choppy, to go back down
2 the west side?

3 A. We've done that, come back down the same side, and
4 you have to apologize to the people. You're going to see the
5 same thing all over again, you know, so I won't be talking to
6 you. I've already told you what these places are. That is
7 very seldom.

8 Q. Very seldom. Okay. And what would a reason be?

9 A. Very rough.

10 Q. Very rough?

11 A. Yeah. And like I say, if it's quite rough, three-
12 footers, instead of going across the lake, I do what I call an
13 upside down V. Put the bow in and (indiscernible) when I can
14 take about the same angle over --

15 Q. Um-hum.

16 A. -- when I want to go on the east side, whip it around
17 quick and take those rollers on the stern.

18 Q. Sure.

19 A. Both ways is better than on the beam.

20 Q. Sure.

21 A. And I'm sure the other guys have enough sense to do
22 that. I know they do. We have some captains there, I'll tell
23 you. They're all good.

24 MR. GIONET: Nothing else right now.

25 BY MR. CURTIS:

1 Q. Brian Curtis, NTSB. I have just a couple of
2 questions, Captain. The throttle position, do you go by RPM or
3 do you -- or is it like 80, 90 --

4 A. Well, some of the guys use the RPMs. I've been doing
5 it for 23 years. I can tell by -- how fast I'm going by the
6 shore. And I won't miss coming back in by a couple minutes
7 either way.

8 Q. What do you estimate -- at the time of the accident,
9 the throttle position, 80 percent?

10 A. I'd say it's -- I never had the boat wide open,
11 because it's an older engine and I don't want to be the one
12 responsible to blow it up, you know. I run about 1800 RPMs,
13 and that's what we do with the other two boats, roughly 18,
14 give or take.

15 Q. What's the maximum RPM on the --

16 A. I don't know what the -- as much -- it goes up a lot
17 farther than that boat will go.

18 Q. Okay.

19 A. The engine will go -- you know, it's tachometer isn't
20 adjusted to the -- there's no stop on it, but there's a stop on
21 the shift and that'll go just so far.

22 Q. So at the time that you rolled, you were actually in
23 a right turn?

24 A. Just -- well, I started to. The bow was coming over
25 a little bit, but then as soon as that wave got up to the bow,

1 it pushed it right back to as it was going over. So in a
2 sense, it steered me right back out again.

3 Q. Okay.

4 A. I didn't have a chance to get the wheel all the way
5 over, in other words, before it slapped me.

6 Q. The handling characteristics, you said you had a
7 near-capacity --

8 A. Um-hum.

9 Q. -- from before. The handling characteristics, taking
10 into account the list and everything, between, say, 25 people
11 and 45 people --

12 A. Um-hum.

13 Q. -- what's (indiscernible)?

14 A. Well, even with 25 people, before I leave the dock,
15 after they're all on, they ask, what that's the shore side? So
16 in my case, the way I go, it'd be the port side of the boat.
17 Well, they all want to get over there. I said, well, now the
18 boat's leaning at the dock. I says, folks, I'm sorry, but
19 we've got to have some people on the other side, just to
20 balance the boat. And I like it pretty well balanced. If it's
21 one (indiscernible) two, all right, we'll let you go. But I
22 like it -- of course, there's no difference once you got a full
23 boat. It seems to balance itself. You're unbalanced, anyway.

24 Q. If every seat's full, like this day --

25 A. Yeah, yeah.

1 Q. -- every seat is full, do you tend, because there's
2 three seats in the port and two on the starboard, you get a
3 slight port list --

4 A. Very slight, but you got to figure, I'm on that side,
5 too, on the starboard side, with the two-people benches.

6 Q. If you had to -- a final question. Let me -- if you
7 had to recommend a change or make changes, of your own opinion,
8 what would you change and make things different that may have
9 prevented this?

10 A. That would've prevented this?

11 Q. Well, it would --

12 A. Well --

13 Q. -- decrease the likelihood of such thing happening.

14 A. Yeah. Well, one thing, take those triple seats out
15 and put in double, like that on the starboard side, for one
16 thing. That way you wouldn't have trouble -- but that wouldn't
17 have solved this accident, because those people still would've
18 come over and piled up on each other on the port side. I don't
19 know. It's hard to say. You'd carry less people, if those
20 triple seats were eliminated and just the double seats, you
21 couldn't carry as many people. Sometimes on the triple seat
22 you get two rather large people and that's all you can get on
23 them. You can't get three in there.

24 MR. CURTIS: That's all I have. Rob?

25 BY MR. HENRY:

1 Q. Yes. Captain, do you have a document that's issued
2 by the state that you carry on board with --

3 MR. CURTIS: This is Rob Henry.

4 BY MR. HENRY:

5 Q. Yeah, Rob Henry. That has the --

6 A. That it passed inspection?

7 Q. Yeah.

8 A. We have copies of that.

9 Q. And what do you recall that's on it?

10 A. I wasn't there the day they were inspecting. They
11 come one day and -- well, sometimes they -- they'll do the
12 small boats first, then they'll go to our two big boats, and
13 that might take a couple of days.

14 Q. Right. But they do, they do something specific for
15 the Ethan Allen and they issue a certificate. Are you familiar
16 with the contents of the certificate?

17 A. No, I'm not. The only thing I see is the things they
18 find wrong.

19 Q. Right.

20 A. And some of them are, like, a bad life preserver,
21 it's three or whatever; that sticks right there, because we
22 always have carton and boxes, brand new life preservers -- you
23 know, we'll set them aside, which is fine, you know. We have
24 to keep them up to date and in good shape. Some of them are
25 torn or something.

1 Q. So this isn't a document that's on a clipboard or
2 posted --

3 A. No.

4 Q. -- on the vessel?

5 A. I've never seen one.

6 Q. It's not one that you're familiar with, for the
7 operating instructions that are on it?

8 A. No.

9 MR. HENRY: Okay, that's all I have.

10 MR. CURTIS: Jimmy?

11 MR. CASTILLO: I don't have any questions.

12 MR. CURTIS: Peter?

13 MR. QUIRK: I have a question as a party member. Can
14 I have a couple of questions?

15 MR. CURTIS: You're here as a representative?

16 MR. QUIRK: Not -- I'm a party member, that's all I
17 know.

18 MR. CURTIS: Hugh, as you know, is the party group
19 member.

20 MR. QUIRK: I wasn't able to question Hugh and all
21 the (indiscernible).

22 MR. CURTIS: All right.

23 BY MR. QUIRK:

24 Q. On that (indiscernible) -- and prior to the accident,
25 did you ever have any thought or idea in your head that a wake

1 from the Mo would be able to flip your boat and capsize it in
2 two seconds?

3 A. No, because if I could've seen it further out on the
4 lake, I could've adjusted properly.

5 Q. No. But I mean, regardless of your intentions --

6 A. Oh.

7 Q. -- to know where the wake is.

8 A. Oh.

9 Q. Do you think it could physically possibly be done?

10 A. Probably. Broadside you mean, taking it -- getting
11 hit broadside?

12 Q. Whatever way it would hit.

13 A. Well, bow on or stern on, it wouldn't bother that
14 boat all, I know that.

15 Q. So --

16 A. Because I'd had full boats before, just off the
17 street. Like I told the girls in the booth, I'm full, don't
18 sell any more, you know. But if I can see -- if I could see --
19 you don't see them all the time, if you have many trips. But
20 if I can see those waves out on the lake coming at me, I can
21 adjust to it. You know, I'll tell the people, just before they
22 hit on the bow, we're going to get a little bounce here, folks.
23 Nothing to worry about. And that's all you get, you know, on
24 those waves, bow on. Nothing to worry about there.

25 Q. And that day, you didn't see the wave coming?

1 A. I didn't see that coming.

2 Q. The differences between the larger waves you'll see
3 from the wind and possibly a wave created by a boat, is there
4 one that you get better -- your better forewarned?

5 A. I'd say from a boat, usually, because it's usually --
6 if it's a rough day just because of the wind, that's pretty
7 equal out there and you know you're going to get rough weather
8 out there.

9 Q. So you already know?

10 A. You already know.

11 Q. You know the waves are there --

12 A. Yeah, right.

13 Q. -- and you can judge by the wind.

14 A. Or what can be a pain in the neck, too, is a busy --
15 there's a lot boats out there eon the summer and they're going
16 in every direction, and you're getting pretty good waves --
17 wakes from all different directions. Now, do you adjust for
18 this one or -- oh, he's a little big one. We'll adjust for
19 that one, bow into it a little bit. But sometimes there's
20 nothing you can do. There's so many coming at you, the boat's
21 going like this, you know. The poor boat gets totally
22 confused.

23 Q. And another point I wanted to clear up was, do you
24 have the experience of holding a GPS device or anything to get
25 accurate speed measurements on your cruising, your normal

1 cruising speed?

2 A. I don't, but Bruce Beck (ph.) --

3 Q. He does?

4 A. -- he has a GPS and he checks it.

5 Q. And has he informed you of what the speed would be at
6 that particular RPM that you cruise at and --

7 A. I think he said about eight miles per hour.

8 Q. Eight miles per hour?

9 A. Yeah. I don't think a GPS gives it in knots, but --

10 Q. Okay.

11 A. So that's why I'm saying eight miles per hour.

12 Q. Okay. And that's pretty much your cruising speed
13 when --

14 A. That's my cruising speed.

15 Q. (indiscernible)?

16 A. (indiscernible). About 1800. And that gets you out
17 and gets you back on time. That's why I don't watch the tach,
18 really, because I've been doing it for so many years, I know
19 there's such and such a mansion and right on. You know, I know
20 where I'm supposed to be at such a time on my watch. If I'm a
21 little late, I'll pick it up just a little bit to gain that
22 time. But if I'm a little ahead, I'll pull back the throttle a
23 little bit. Whoops, I'm going a little bit too fast.

24 Q. And, Dick, if you had an expert out there to
25 absolutely answer your question definitively of how big a

1 crest, a trough, the Mohegan wave is, would you be surprised if
2 it was over four, a little bigger than you stated?

3 A. I'd say it might be over four if you were catching it
4 right near the boat.

5 Q. But the question is, would you be surprised if it
6 was? If someone told you exactly --

7 A. I probably would, yeah.

8 Q. -- (indiscernible).

9 A. Yeah. I'm guessing that the biggest I've hit is
10 three feet, but that's a lot of water to take broadside. Is
11 that what you're getting at?

12 Q. No, I was just wondering if you'd be surprised if
13 someone told you the actual height of a wave, and if they said
14 it was four or more, if you would be surprised.

15 A. I would.

16 Q. You would.

17 A. Because -- see, I'm never that -- really that close
18 to them, and they diminish a little, you know, as they head
19 towards the shore.

20 Q. Sure.

21 A. But I (indiscernible)?

22 Q. No, no, not yet. But I'm sure we'll --

23 A. I can't say they aren't that way, right -- you know,
24 as you're cutting right in back of them, that close to them,
25 which I never do. I give them a lot of room.

1 Q. So it's a subjective estimation?

2 A. I'm guessing three.

3 Q. Okay.

4 A. Yeah. And it's a pretty good guess, to.

5 Q. Okay, thanks.

6 A. If it's more than that, yes.

7 BY MR. HENRY:

8 Q. I do have a couple of follow-up questions. Would you
9 have any additional concerns about operating the vessel if you
10 had a full load of children?

11 A. Well, number one, yes, the children will wear life
12 preservers. We have 10 children's life preservers. And if
13 they're, you know, this size (indiscernible) adult life
14 preserver.

15 Q. Is it a requirement to --

16 A. I'm talking about --

17 Q. -- put them in life preservers?

18 A. No, it isn't.

19 Q. But you'd have all of them wearing life preservers?

20 A. I would feel a lot more comfortable if the little
21 kids were (indiscernible). In fact, I've had some of the kids,
22 their parents already had their own life preservers. They
23 wouldn't go out on the boat unless they had them.

24 Q. Do you feel uncomfortable operating the vessel with
25 that many -- did you say a full load of children?

1 A. (indiscernible) --

2 Q. (indiscernible) supervision and care for them if you
3 had --

4 A. You're talking single age children, you know, you
5 mean up to 10 or no higher?

6 Q. Yeah.

7 A. Yeah, I'd be a little apprehensive, unless there were
8 a few -- or maybe there were a few adults with them. I
9 certainly wouldn't take them out alone. No way. In fact, we
10 wouldn't allow that. They've got to have supervision --

11 Q. Okay.

12 A. -- for kids that young.

13 Q. Now, what about a lot of elderly and possibly
14 disabled or not fully functional --

15 A. Um-hum.

16 Q. -- adults, you know, a full load of elderly people?

17 A. I'd be concerned, but I -- we would -- I would take
18 them, but they all know, again, before I leave, I tell them
19 where the adult life preservers are, and if anybody wants to
20 wear one, we got them, put them on.

21 Q. And what about if you have a problem with that many
22 elderly people, and you have to -- you know, if there's an
23 emergency, do you get off the vessel or -- does it concern that
24 it's only you and another crew member to deal with them?

25 A. No, because -- you mean, now, if I had to get the

1 boat over onto the shore to get them off the boat?

2 Q. Get them off the vessel.

3 A. There's always -- these that people are private boat
4 owners, it's an unwritten rule. If somebody's in trouble, go
5 help them. I've done that with my own boat. I don't know how
6 many boats and canoes that got caught in rough weather out
7 there, got the people in my boat and put a line on their canoe
8 and towed it over to shore. It's just an unwritten rule that
9 every boater should have. And I've never seen anybody that saw
10 a sailboat keeled over, some could've got hit with a strong
11 wind, and I've never seen boat just go, hi and by them, you
12 know, ignore them. I couldn't do that and I have never done
13 it. I've had to go over and say, do you want to come on board?
14 You know, I'll throw a line on your boat and tow it to
15 wherever, you know, within reason. If they're 30 miles up the
16 lake where they were headed, well, that's not really within
17 reason. I'll tow them over to the nearest dock that I can get
18 them in and you can make a phone call and make other
19 arrangements. The marinas will come down and tow them.

20 Q. And the fact that probably most of them can't swim --

21 A. That's true. I'm sure some of them can. I know one
22 guy, in fact, a couple years ago, was telling me -- and he was
23 well into his 70s. I'd say he was close to 80. He used to be,
24 not in the Olympics, but he said he was an Olympic-type
25 swimmer, and he says, I can still swim. He swims about five

1 times where he lives now, and I think it's Florida or one of
2 the warm weather states. And he says, I swim five times a week
3 in the ocean.

4 MR. HENRY: Okay. I don't have any other questions.

5 MR. CURTIS: Jimmy?

6 MR. CASTILLO: No.

7 MR. CURTIS: Peter?

8 MR. GIONET: No.

9 BY MR. CURTIS:

10 Q. Just one. That day --

11 MR. HENRY: Who are you?

12 MR. CURTIS: I'm Brian Curtis, NTSB.

13 MR. PARIS: Revenge is sweet, isn't it?

14 BY MR. CURTIS:

15 Q. He's always checking on me. That day, did you -- did
16 you tell the passengers where the life jackets were located?

17 A. Oh yes. That's right.

18 Q. And did any of them choose to wear them or --

19 A. No. I says, they're here, they're available to
20 anybody who wants them.

21 MR. CURTIS: All right, Captain. Well, thanks a lot
22 of coming in today. The time is 2:15 and this concludes this
23 interview with Captain Paris.

24 MR. PARIS: All right.

25 MR. CURTIS: Thank you very much.

1 MR. HENRY: Thank you, Captain.

2 (Whereupon, at 2:15 p.m., the interview in the above-
3 entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of the MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Richard Paris

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 6, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

David Martini
Transcriber